

MINUTES
REGULAR SESSION CITY COUNCIL MINUTES
120 S. Ash
City Council Chambers
Tuesday, July 11, 2017
7:00 p.m.

NOTICE OF MEETING

A regular session of the City Council of Nevada, Missouri was posted pursuant to Section 2-6 and Section 2-7 of the City Code and RSMo., Chapter 610.021 with a tentative agenda on Friday, July 7, 2017 at 4:50 p.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held on Tuesday, July 11, 2017 pursuant to Section 2-6 and 2-7 of the City Code and Section 3.11 of the City Charter.

Mayor Leonard called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

INVOCATION

David Crook gave the invocation.

ROLL CALL

The following Council members were present for roll call:

Present: Carol Clyde-Gallagher; Blake Hertzberg; Brian Leonard; Jayne Novak

Absent: Ryan Watts

Mayor Leonard excused Councilperson Watts as he was out of town on vacation.

Staff present: JD Kehrman, City Manager; Kristie Modlin, Treasurer; Johnna Williams, Deputy City Clerk; Mark Mitchell, CIO; Casey Crain, Chief of Police; John McGraw, Fire Captain; Sharon Kegler, Human Resources Director; Kevin Crump, Park & Recreation Director; Tom Hutchinson, Field Operations Manager; Eric McPeak, Alliance Water Resources.

PROCLAMATIONS

There were none.

APPROVAL OF MINUTES

Councilperson Clyde-Gallagher moved to accept the June 20, 2017 regular session City Council minutes as written. Councilperson Novak provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSION

Mayor Leonard presented Annie Daugherty for re-appointment to the Park Board.

Councilperson Hertzberg moved to re-appoint Annie Daugherty to the Park Board. This will be Ms. Daugherty's second term, expiring June, 2020. Councilperson Novak provided the second. The motion was duly considered and unanimously passed.

Next, Mayor Leonard presented Richard Perkins for re-appointment to the Park Board.

Councilperson Clyde-Gallagher moved to re-appoint Richard Perkins to the Park Board. This will be Mr. Perkins second term, expiring June, 2020. Councilperson Hertzberg provided the second. The motion was duly considered and unanimously passed.

CONSIDERATION OF BIDS

Next, the bid considered was Bid No. 2017-40 Water Meter Replacements - Alliance.

Councilperson Novak moved to approve the bid from Utility Solutions Associated, Inc. in the amount of \$31,081.00 for the purchase of 292 water meters. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Clyde-Gallagher; Hertzberg; Leonard; Novak

Nay: None

Absent: Watts

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

There were none.

COMMUNICATIONS AND PETITIONS

Butch Beeman with Troutt, Beeman & Co., P.C. presented the 2016 Audit.

OLD BUSINESS

There was none.

NEW BUSINESS

Next to be considered was Bill No. 2017-032 accepting the bid and authorizing the execution of an agreement with Quality Exteriors of Joplin, Missouri for City Hall window replacement.

Councilperson Novak moved to place Bill No. 2017-032 on first reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Novak; Clyde-Gallagher

Nay: None

Absent: Watts

Next to be considered was Bill No. 2017-033 amending Chapter 42 of the Code of the City of Nevada, Missouri, by approving and adopting a policy prohibiting smoking and the use of electronic cigarettes (e-cigarettes) in public places.

Councilperson Novak moved to place Bill No. 2017-033 on first reading by title only. Councilperson Hertzberg provided the second. Lance Christie, spoke in opposition of regulating smoking, should be business driven approach. Kelly Ast, spoke in favor of the smoking ordinance. Dr. William Turner discussed compromise when dealing with locations that allow smoking. Phil Thompson, Elks Lodge, spoke of his concern with the smoking ordinance when it pertained to private clubs and organizations. Cindy Gibbs spoke in favor of passing the ordinance. Discussion followed.

Councilperson Novak moved to amend Bill No. 2017-33 by changing Section 42-28, 1. A designated "patio area" of any bar, restaurant or other commercial establishment, if such "patio area" has no more than three (3) walls, or has no overhead cover and such designated "patio area" shall be open to outside air and no closer than twenty (20) feet, measured horizontally, from the main entrance to the establishment; the patio door must remain closed. Changing Section 42-28, 3. Private residences, regardless if a portion of the residence is used for business purposes. Changing Section 2. This ordinance shall be in full force and effect beginning January 1, 2018. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Clyde-Gallagher; Hertzberg

Nay: None

Absent: Watts

The motion to place Bill No. 2017-33 on first reading was duly considered and passed by the following vote:

Aye: Novak; Clyde-Gallagher; Hertzberg; Leonard

Nay: None

Absent: Watts

Next to be considered was Bill No. 2017-034 amending Chapter 2 of the Code of the City of Nevada, Missouri.

Councilperson Novak moved to place Bill No. 2017-034 on first reading by title only. Councilperson Hertzberg provided the second. Dr. William Turner discussed the need for the Hospital to have a Management System. Discussion followed. The motion was duly considered and passed by the following vote:

Aye: Clyde-Gallagher; Hertzberg; Leonard; Novak

Nay: None

Absent: Watts

Next to be considered was Resolution No. 1489 authorizing a waiver from the provisions of Section 23-26, discharge of firearms and Section 2-23, closing hours of the Parks of the City of Nevada, Missouri in conjunction with the Missouri Osage Territory Muzzleloaders Black Powder Competition to be held September 6, 7, 8, 9 and 10, 2017 at Marmaduke Park.

Councilperson Hertzberg moved to approve Resolution No. 1489, seconded by Councilperson Novak. The motion was duly considered and passed unanimously.

REPORTS

Monthly Department Reports

There were none.

Boards and Commissions Written Minutes/Reports

The following minutes were reviewed and are on file in the City Clerk's Office:

- i. Housing Authority – May 25, 2017
- ii. Park Board – April 26, 2017
- iii. Park Board – May 15, 2017

Mayor's Report

Mayor Leonard welcomed Kevin Crump, the new Park and Recreation Director.

City Manager's Report

City Manager, JD Kehrman reported, that the first curtailment event with KCP&L will take place tomorrow, July 12, 2017 from 2pm – 6pm. Notice to Proceed for demolition of the old public safety building has been issued. APAC is done paving and City crews are finishing up work.

MISCELLANEOUS MATTERS

Mayor Leonard mentioned that the second meeting in August will need to be rescheduled due to open house at the school that evening. Also stated that we have some openings on our Boards/Commissions and anyone interested to please see the City Clerk or any Councilmember. Went to the Bushwhacker Museum for Anniversary party on Sunday.

EXECUTIVE SESSION

The City Manager requested an executive session in accordance with Section 610.021 RSMo., Subparagraph (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys and Subparagraph (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.

Councilperson Clyde-Gallagher moved to go into executive session for reasons in accordance with Section 610.021 RSMo., Subparagraph (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys and Subparagraph (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded, after a five minute recess. The second was provided by Councilperson Novak.

The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Novak; Clyde-Gallagher

Nay: None

Absent: Watts

An executive session of the City Council of the City of Nevada, Missouri was held in the City Council Chambers, 120 S. Ash, Nevada, Missouri, beginning at 8:14 p.m.

Present: Clyde-Gallagher; Hertzberg; Leonard; Novak

Absent: Watts

Staff present: JD Kehrman, City Manager

Discussion was limited to Section 610.021 RSMo., Subparagraph (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys and Subparagraph (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.

Councilperson Novak moved to adjourn the executive session and move back into regular session. The second was provided by Councilperson Hertzberg. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Clyde-Gallagher; Hertzberg

Absent: Watts

Executive session adjourned at 8:41 p.m.

ADJOURNMENT

With no further business to come before City Council, Mayor Leonard asked for a motion to adjourn.

Councilperson Novak moved to adjourn the regular session of City Council. Councilperson Clyde-Gallagher provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Clyde-Gallagher; Hertzberg; Leonard

Nay: None

Absent: Watts

The meeting adjourned at 8:41 p.m.

Johnna Williams, Deputy City Clerk

(seal)
ATTEST:

Brian L. Leonard, Mayor

Johnna Williams, Deputy City Clerk